

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHARLES W. MARSH, ET AL.

v.

BWW LAW GROUP, LLC

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Civil No. – JFM-15-2989

MEMORANDUM

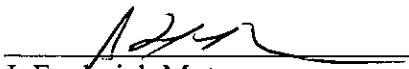
Defendant has moved to dismiss plaintiffs' one-count amended complaint seeking to state a claim under the Fair Debt Collection Practices Act. The motion will be granted for two reasons.

First, plaintiff's claim is barred by limitations. The amended complaint alleges that defendants failed to adequately verify the debt owed by plaintiffs on June 7, 2013 and instituted a foreclosure action on June 9, 2015. An action under the Fair Debt Collection Practices Act must be brought within one year of the alleged violation of the Act. The alleged violation occurred on June 7, 2013, when the alleged inadequate verification was given, not on June 15, 2015 when the foreclosure action was instituted. Plaintiffs asserted their present claim long after one year expired from the June 7, 2013 date.

Second, there was no inadequacy in the June 7, 2013 letter from defendant to plaintiffs. The letter fully set forth what defendant believed, based upon what it was told by the lender, was the amount due and owing from plaintiffs. It might also be noted that plaintiffs did not assert in the letter leading to the June 7, 2013 letter sent by defendants to plaintiffs that they were challenging the amount of attorneys' fees, the essence of plaintiffs' claim in their complaint.

A separate order granting defendant's motion is being entered herewith.

Date: 2/11/16


J. Frederick Motz
United States District Judge

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DISTRICT OF MARYLAND
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